

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Judge Robert W. Schroeder III

NETWORK-1 TECHNOLOGIES, INC.	§	
	§	
V.	§	CIVIL NO. 6:13cv72
	§	
HEWLETT PACKARD COMPANY, et al	§	

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MINUTES FOR THE FIFTH DAY OF TRIAL  
HELD BEFORE JUDGE ROBERT W. SCHROEDER III  
NOVEMBER 10, 2017

OPEN: 8:18 am

ADJOURN: 5:21 pm

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ATTORNEYS FOR PLAINTIFF: See Attorney Sign In Sheet

ATTORNEYS FOR DEFENDANTS: See Attorney Sign in Sheet

LAW CLERK: Aisha Haley

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Judy Werlinger

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8:18 am	Outside the presence of the jury, Mr. Ferguson and Mr. Jacobson advise the Court of a dispute with a motion filed last night; Mr. Dolkas responds; Court advises we will take this up later; Mr. Dovel argues an issue with the first witness today; Ms. Doan responds; Court responds; Mr. Jacobson objects to some video deposition; Ms. Doan responds; Court overrules objection
8:25 am	Jury seated; Court advises jury of remaining schedule
8:27 am	Ms. Doan calls David Law; witness sworn in
8:28 am	Ms. Doan begins direct examination of Mr. Law
8:31 am	Objection by Mr. Dovel; Court - rephrase the question
8:40 am	Ms. Doan offers Defendants' Exhibit #197; Objection by Mr. Ward; Ms. Doan responds;

Court responds - exhibit permitted

8:51 am Mr. Ward begins cross examination of Mr. Ward

8:58 am Objection by Mr. Ward as non-responsive; Ms. Doan responds; Court responds

8:59 am Objection by Ms. Doan

9:03 am Mr. Ward offers the Dorsey & Whitney letter dated September 30, 2014 into evidence; Objection by Ms. Doan; Mr. Ward responds

9:05 am Bench conference

9:06 am Mr. Ward continues with cross examination

9:17 am Ms. Doan begins re-direct examination

9:17 am Objection by Mr. Ward; Court - rephrase the question

9:19 am Objection by Mr. Ward; Court - rephrase the question

9:21 am Objection by Mr. Ward; Court - rephrase the question

9:23 am Court asks the jury for questions; no questions

9:24 am Ms. Doan calls Nicholas Godici; witness sworn in

9:25 am Ms. Doan begins direct examination of Mr. Godici

9:35 am Objection by Mr. Dovel; Court - rephrase the question

9:40 am Objection by Mr. Dovel; Court - lay a foundation

9:54 am Bench conference

9:57 am Jury excused

9:58 am Outside the presence of the jury, bench conference continues

10:02 am Recess

10:15 am Outside the presence of the jury, bench conference continues

10:34 am Jury seated

10:34 am Mr. Dovel begins cross examination of Mr. Godici

10:43 am Mr. Dovel renews his motion discussed in bench conference; Ms. Doan objects; Court - sustained

10:46 am Ms. Doan begins re-direct examination

10:47 am Mr. Dovel begins re-cross examination

10:48 am Ms. Doan continues with re-direct examination

10:48 am Objection by Mr. Dovel; Court - sustained

10:49 am Court asks for questions from the jury; bench conference

10:52 am Court questions Mr. Godici; Mr. Godici responds

10:54 am Mr. Dovel asks follow up questions

10:55 am Ms. Doan asks follow up questions

10:56 am Mr. Thane calls David Fisher via video deposition

11:23 am Mr. Jacobson begins cross examination portion of Mr. Fisher's video deposition

11:35 am Bench conference

11:36 am Jury excused

11:37 am Outside the presence of the jury, Mr. Jacobson and Mr. Ferguson argue the motion filed last night; Court questions parties; counsel respond

11:50 am Recess

12:59 pm Outside the presence of the jury, the Court questions Mr. Jacobson regarding the e-mail issue; Mr. Jacobson responds; Mr. Ferguson responds; Court denies the motion

1:04 pm Jury seated; Ms. Doan calls Dean Neikirk; witness sworn in

1:05 pm Ms. Doan begins direct examination of Dr. Neikirk

1:19 pm Objection by Mr. Dovel; bench conference

1:21 pm Ms. Doan continues with direct examination

1:34 pm	Objection by Mr. Dovel; Court - sustained
1:42 pm	Mr. Dovel begins cross examination
1:48 pm	Objection by Ms. Doan; bench conference
1:50 pm	Mr. Dovel continues with cross examination
2:13 pm	Objection by Ms. Doan; bench conference
2:15 pm	Mr. Dovel continues with cross examination
2:17 pm	Ms. Doan begins re-direct examination
2:20 pm	Court asks for questions from the jury; no questions
2:22 pm	Mr. Dolkas calls Ambreen Salters; witness sworn in; Mr. Dolkas begins direct examination
2:41 pm	Mr. Ward begins cross examination
3:10 pm	Objection by Mr. Dolkas; Court - sustained
3:20 pm	Mr. Dolkas begins re-direct examination
3:22 pm	Mr. Ward begins re-cross examination
3:23 pm	Court asks for questions from the jury; no questions
3:24 pm	Recess
3:39 pm	Outside the presence of the jury, Mr. Ferguson clarifies to the Court of what they do not plan on arguing; Mr. Jacobson responds; Court responds; parties respond; Mr. Ferguson and Mr. Dovel discuss explaining part of the claim construction order;
3:46 pm	Jury seated
3:47 pm	Defendants rest
3:47 pm	Ms. Cho calls Robert Mills as a rebuttal witness; begins direct examination
3:53 pm	Objection by Mr. Dolkas; bench conference
3:54 pm	Ms. Cho continues with direct examination

3:54 pm	Mr. Dolkas begins cross examination
3:58 pm	Courtroom sealed
4:00 pm	Courtroom unsealed
4:00 pm	Court asks for questions from the jury; no questions
4:02 pm	Mr. Dovel calls Dr. Knox; begins direct examination
4:09 pm	Objection by Mr. Ferguson; bench conference
4:12 pm	Mr. Dovel continues with direct examination
4:14 pm	Objection by Mr. Ferguson; Court - sustained
4:22 pm	Objection by Mr. Ferguson; Court - sustained
4:24 pm	Objection by Mr. Ferguson; bench conference
4:25 pm	Mr. Dovel continues with direct examination
4:44 pm	Mr. Ferguson begins cross examination
4:54 pm	Bench conference
4:55 pm	Mr. Dovel begins re-direct examination
4:57 pm	Mr. Ferguson begins re-cross examination
4:58 pm	Court asks for questions from the jury; no questions
4:59 pm	Plaintiff rests on its case
4:59 pm	Bench conference
5:00 pm	Defendants rest its case subject to the side-bar
5:01 pm	Court informs jury of what is to follow
5:01 pm	Jury excused
5:02 pm	Outside the presence of the jury, Mr. Dovel responds to defendants' Rule 50A motions; Ms. Bennett responds; Court responds; denies all motions; Court advises Mr. Jacobson to file any argument on the new theory by noon tomorrow; Mr. Ferguson to file a reply

by 9:00 pm tomorrow; Court advises Ms. Bennett and Mr. Eichmann to file amended jury instructions by noon tomorrow; parties respond; Court and parties discuss the verdict form; Court advises the parties to resubmit the verdict form by noon tomorrow

5:10 pm Mr. Jacobson argues Plaintiff's JMOL that the Fisher system is not proper prior art under Section 102; Ms. Bennett responds; Mr. Jacobson responds; Court denies the motion

5:18 pm Mr. Jacobson reads into the record exhibits used yesterday for Plaintiff; no objections; Mr. Thane reads into the record exhibits used yesterday for Defendants and the Fisher system; no objections; Mr. Thane and Mr. Jacobson will meet and confer regarding the exhibits used today

5:21 pm Recess